

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference I16477WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) | |
| International application No. PCT/GB 03/03060 | International filing date (day/month/year) 15.07.2003 | Priority date (day/month/year) 19.07.2002 |
| International Patent Classification (IPC) or both national classification and IPC B25B23/00 | | |
| Applicant STEWART, Allister et al. | | |

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| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application |
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| Date of submission of the demand 19.02.2004 | Date of completion of this report 03.11.2004 |
| Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Kühn, T Telephone No. +49 89 2399-7883 |



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/03060

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application; the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,

claims Nos. 11-13

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. 11-13

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished or does not comply with the Standard.

the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------|-------------|----------|
| Novelty (N) | Yes: Claims | 6,7 |
| | No: Claims | 1-5,8-10 |

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|---------------------|-------------|----------|
| Inventive step (IS) | Yes: Claims | 6,7 |
| | No: Claims | 1-5,8-10 |

| | | |
|-------------------------------|-------------|------|
| Industrial applicability (IA) | Yes: Claims | 1-10 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Relevant prior art

Reference is made to the following documents:

D1: EP-A-0 593 323 (RAPID SA) 20 April 1994 (1994-04-20)

D2: US-A-1 900 314 (STROM WILLIAM S) 7 March 1933 (1933-03-07)

2. Independent claim 1

2.1 Claim 1 does not meet the requirements of Article 33(2) PCT, because the subject-matter is not novel.

Document **D1** discloses (see figs.) a tool for use in securing a first element to a second element via at least one threaded bolt passing through an aperture in the first and second elements, the or each bolt having a head locatable substantially adjacent the first element and a nut locatable substantially adjacent the second element; the tool comprising:

- a) a support structure 1 provided with at least one formation 2 configured to engage the head 3 of the or each respective bolt V;
- b) the support structure having a releasable engaging arrangement 7 configured to engage releasably the first element such that each said formation engages the head of each respective bolt to prevent rotation of each respective bolt within said apertures as each nut is threadedly engaged with a respective bolt (cf. fig. 2),
wherein the support structure comprises
- c) a plate 1 and
- d) a mechanism 7 being configured to bear against the plate (*) to urge the plate towards the first element when the support structure is engaged with the first element

(*) According to fig. 5, the support structure 1 is in engagement with the first element by a catch 7, whereby the intermediate portions 8 of the support structure are elastically bent towards the first element P. Due to the elastic deformation of the intermediate portions 8, the mechanism 7 inevitably bears against the plate of the support structure (cf. definition of "bear" according to The New Oxford Dictionary: "support") in an engaged condition of the tool when the support structure is engaged with the first element.

Therefore, **D1** discloses all the features of present claim 1 and anticipates claim 1.

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2.2 Furthermore, the tool according to **D2** also discloses the combination of features of claim 1. According to fig. 1 and in particular the vertical sectional view depicted in fig. 3; page 1, lines 69-75 and page 2, lines 10 and 11 the extreme edge portions 28,30 serve to constitute rest members (cf. also page 2, lines 43-57) for contacting the left hand sheet and hence for securing the two sheets between these edge portions 28,30 and the opposing leg portions 8,10.

3. Dependent claims 2-5 and 8-10

In view of **D1** and **D2**, these claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT).

4. Dependent claims 6 and 7

The additional features of claims 6 and 7 are not known in combination with the features of claims 1-3. Therefore, claims 6 and 7 meet the requirements of Article 33(2) EPC.

Since none of the prior art documents cited in the International Search Report discloses an aperture formed through the support structure of the tool which is adapted for receiving a hook shaped member of a first element, the subject-matter of claims 6 and 7 is not obvious (Article 33(3) PCT).

5. Industrial applicability

Since the tool for securing a first element to a second element according to claim 1 can be made and used in industry, claim 1 meets the requirements of Article 33(4) PCT.

Dependent claims 2-10 define embodiments of the tool according to claim 1. Therefore, they also meet the requirements of Article 33(4) PCT.